

REMARKS/ARGUMENTS**35 USC §112, first paragraph**

The Office rejected **claims 1, 3, 6, and 8-14** under 35 USC 112, 1st paragraph as failing to comply with the written description requirement. The rejection is moot in light of cancellation of claims 1-20.

35 USC §103

The Office rejected **claims 1, 3, 6, 8-10, and 12-14** under 35 USC 103 as being obvious over Sceopul (N or U) in view of Suzuki et al. (V), Suzuki (W), Clifford (X), and further in view of Stuckler et al. (O) and Pugliese (A*), Batista et al. (U1), Frank (X1), Helferich (W1), Romani et al. (X), Codex Committee on Food Additives and Contaminants (V2 or CCFAC), FDA (U2) and Bucheli et al. (W2). The rejection is moot in light of cancellation of claims 1-20.

Regarding Sceopul it is noted that Sceopul expressly limits use of the coffee fruit to green coffee fruit, and indeed teaches that the desirable effects are observed from green coffee fruit juice. Therefore, Sceopul teaches away from the claimed primarily red or almost ripe coffee fruit.

The teachings of Suzuki fail to remedy this defect. Suzuki (in V and W) is concerned with analysis of individual chemical entities in coffee fruit, however, such teaching fails to provide any motivation to modify Sceopul as proposed by the examiner. While applicant agrees that Suzuki does use specific solvents in the process of chromatographic analysis of the individual chemical entities, such use entirely fails to connect with Sceopul as suggested. Likewise, Clifford (X) provides analytical data on individual chemical entities in coffee fruit. Once again, such data fail to provide any motivation to modify Sceopul as proposed by the examiner. What is claimed is not isolated coffee compounds in cosmetic products, but complex extracts prepared from primarily red or almost ripe whole dried low-mycotoxin *Coffea spec.* (coffee) cherry or fragments thereof.

Similarly, it is noted that Batista, Frank, and Helferich are concerned with mycotoxins in coffee beans, and that mycotoxins can be found on the fruit as well. However, as these references are only dealing with the issue of contaminated coffee beans in the context of coffee bean harvest

and roasting for production of a coffee beverage, the cited references entirely fail to address the issue of mycotoxins in cosmetic products. Romani and Codex are similarly defective.

On the issue of Buecheli, the applicant again notes that Buecheli expressly states on page 1360 that multiple factors (raw material quality, local farm conditions, etc.) undoubtedly play a more important role in OTA contamination than the drying methodology used. Clearly, such teaching is contrary to examiner's arguments on reduction of mycotoxins.

Thus, as Scepul expressly and specifically teaches that it is the green fruit juice that provides the desired results, and as the remaining cited art fails to provide any motivation to modify Scepul's product in a manner such as to arrive at the claimed subject matter, the prior rejection is improper and should not be reapplied to the present claims.

The Office rejected **claims 1, 3, 6, and 8-14** under 35 USC 103 as being obvious over Scepul (N or U) in view of Suzuki et al. (V), Suzuki (W), Clifford (X), Fischer et al. (X2) and Coleman et al. (U3); further in view of Stuckler et al. (O) and Pugliese et al. (A*), Pineau et al. (B*); and, further in view of Batista et al. (U1), Frank (V1), Helferich (W1), Romani et al. (X1), Codex Committee on Food Additives and Contaminants (V2 or CCFAC), FDA (U2) and Bucheli et al. (W2).

With respect the office's application of references to claims 1, 3, 6, 8-10 and 12-14, the same observations apply and are not reiterated here. Furthermore, the rejection is moot in light of cancellation of claims 1-20.

The Office rejected **claims 15, 17-18 and 20** under 35 USC 103 as being obvious over Scepul (N or U) in view of Suzuki et al. (V), Suzuki (W), Clifford (X) and The Free Dictionary by Farlex (V3). The rejection is moot in light of cancellation of claims 1-20.

Request For Allowance

Claims 21-30 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,
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